

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAILYARD COMPANY, LLC,

Appellant,

v.

CIV No. 16-292 MV/CG

RECREATIONAL EQUIPMENT, Inc. et al,


Appellees.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* ("PFRD"), filed on September 14, 2016. (Doc. 7). In the PFRD, the Magistrate Judge found that Appellant Railyard Company, LLC failed to provide records from the Bankruptcy Court proceedings or respond to Appellees' Motion. As a result, the Magistrate Judge recommended that Appellee *Thorofare Asset Based Lending Fund III, L.P.*'s *Motion to Dismiss Railyard Company, LLC's Appeal, or in the Alternative to Summarily Affirm the Bankruptcy Court*, (Doc. 4), filed June 24, 2016, be granted in part and denied in part. Specifically, Judge Garza recommended summarily denying Appellant's appeal and affirming the Bankruptcy Court's *Order Granting Motion to Appoint Trustee and Directing United States to Appoint Trustee*, (Doc. 1 at 6). The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 12 at 5). No objections have been filed and the deadline of October 3, 2016 has passed. The recommendations of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Appellee *Thorofare Asset Based Lending Fund III, L.P.*'s Motion to Dismiss *Railyard Company, LLC*'s Appeal, or in the Alternative to Summarily Affirm the Bankruptcy Court, (Doc. 4), be **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that the Bankruptcy Court's Court's *Order Granting Motion to Appoint Trustee and Directing United States to Appoint Trustee*, (Doc. 1 at 6), be **AFFIRMED**.



THE HONORABLE MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE